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**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA**

PACIFIC COAST FEDERATION OF  
FISHERMEN'S ASSOCIATIONS, *et al.*,

Plaintiffs,

v.

GINA RAIMONDO, in her official  
capacity as Secretary of Commerce, *et al.*,

Defendants.

Case No. 1:20-cv-00431-DAD-EPG

**PLAINTIFFS' REQUEST FOR JUDICIAL  
NOTICE IN SUPPORT OF PLAINTIFFS'  
REPLY IN SUPPORT OF MOTION FOR  
PRELIMINARY INJUNCTION FOR 2022**

Hearing date: February 11, 2022  
Judge: Hon. Dale A. Drozd

Courtroom 5, 7th Floor  
2500 Tulare Street  
Fresno, California 93721

1 Plaintiffs hereby request that the Court take judicial notice, pursuant to Rule 201 of the  
2 Federal Rules of Evidence, of Exhibits P through W to the accompanying Supplemental  
3 Declaration of Barbara Chisholm filed together with Plaintiffs' Reply brief in support of their  
4 Motion for Preliminary Injunction for 2022 ("Supplemental Chisholm Declaration").

5 Under Federal Rule of Evidence 201, a trial court must take judicial notice of facts "if a  
6 party requests it and the court is supplied with the necessary information." Fed. R. Evid. 201(c)(2).  
7 A fact is appropriate for judicial notice if it is not subject to reasonable dispute, in that it is capable  
8 of accurate and ready determination by resort to sources the accuracy of which cannot reasonably  
9 be questioned. Fed. R. Evid. 201(b)(2).

10 Exhibits P through W of the Supplemental Chisholm Declaration are public records of a  
11 state or federal administrative agency. Judicial notice may be taken of public records, as well as  
12 facts within public records that are not subject to reasonable dispute. *See Santa Monica Food Not*  
13 *Bombs v. City of Santa Monica*, 450 F.3d 1022, 1025 n.2 (9th Cir. 2006); *United States v. Howard*,  
14 381 F.3d 873, 876 n.1 (9th Cir. 2004) (approving judicial notice of facts from court records of  
15 another case); *Lee v. City of Los Angeles*, 250 F.3d 668, 690 (9th Cir. 2001) (approving judicial  
16 notice of undisputed facts in public records). Each of the documents in Exhibits P through W is an  
17 official report, presentation, or notice prepared by a public agency; correspondence between public  
18 officials; or data compiled and published by a public agency. Such records and reports of a  
19 governmental body are public records and are the proper subject of judicial notice. *Barron v.*  
20 *Reich*, 13 F.3d 1370, 1377 (9th Cir. 1994). Additionally, each document has been properly  
21 authenticated pursuant to Federal Rule of Evidence 901(b)(7) in the accompanying Supplemental  
22 Chisholm Declaration.

23 In addition, the facts contained in the public records appended to the Supplemental  
24 Chisholm Declaration as Exhibits P through W are admissible and do not constitute hearsay. The  
25 facts contained in the public records appended as Exhibits P through W are records or statements  
26 of a public office setting out "the office's activities," "matter[s] observed while under a legal duty  
27 to report," and/or "factual findings from a legally authorized investigation." Fed. R. Evid.  
28 § 803(8)(A)(i)–(iii). These facts therefore fall within the public records exception to the rule

1 against hearsay. Fed. R. Evid. § 803(8). The facts contained in the public records appended as  
2 Exhibits Q through U also constitute statements of a party opponent under Federal Rule of  
3 Evidence § 801(d)(2) and thus do not constitute hearsay.

4 Respectfully submitted,

5  
6 Dated: January 24, 2022

/s/ Barbara J. Chisholm  
Barbara J. Chisholm

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14 *Association, Natural Resources Defense Council,*  
*Inc., Defenders of Wildlife, and Bay.Org d/b/a The*  
15 *Bay Institute*

16 Dated: January 24, 2022

/s/ Glen H. Spain  
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22 *Resources*  
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**PROOF OF SERVICE**

CASE: *Pacific Coast Federation of Fishermen's Associations, et al. v. Raimondo, et al.*

CASE NO: U.S. Dist. Ct., E.D. Cal., Case No. 1:20-cv-00431-DAD-EPG

I am employed in the City and County of San Francisco, California. I am over the age of eighteen years and not a party to the within action; my business address is 177 Post Street, Suite 300, San Francisco, California 94108. I hereby certify that on January 24, 2022, I electronically filed the following with the Clerk of the Court for the United States District Court for the Eastern District by using the CM/ECF system:

**PLAINTIFFS' REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF PLAINTIFFS' REPLY IN SUPPORT OF MOTION FOR PRELIMINARY INJUNCTION FOR 2022**

All participants in the case are registered CM/ECF users and will be served by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 24th day of January, 2022, at Berkeley, California.

/s/ Barbara J. Chisholm  
Barbara J. Chisholm